Supreme Court, U.S.
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No. 98-1003

IN THE

Supreme Court of the United States

OCTOBER TERM, 1998

GERALD GIRRES, *et al.*

Petitioners,

v.

CLARENCE BORMANN, *et al.*

Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of Iowa

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BRIEF OF RESPONDENTS BOARD OF SUPERVISORS FOR KOSSUTH COUNTY, IOWA, AND ITS MEMBERS JOE RAHM, AL DUDDING, LAUREL FANTZ, JAMES BLACK, AND DONALD MCGREGOR IN SUPPORT OF THE PETITION

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Respondents pursuant to S. Ct. Rule 12.6, the Board of Supervisors for Kossuth County, Iowa, together with its individual members Joe Rahm, Al Dudding, Laurel Fantz, James Black, and Donald McGregor (collectively, "Kossuth County Board of Supervisors") respectfully request that the Court grant the petition for a writ of certiorari to review the judgment of the Iowa Supreme Court in this case.

REASONS FOR GRANTING THE WRIT

The Kossuth County Board of Supervisors supports the petition for certiorari filed in this case and joins

petitioners in urging this Court to grant review. The decision of the Iowa Supreme Court holding the Iowa right to farm law unconstitutional on its face as a *per se* taking in violation of the Fifth Amendment to the United States Constitution is, as explained in the petition, in conflict with the decisions of this Court and lower court decisions from around the country. Unless this Court grants review, the constitutionality of the right to farm laws in the other 49 states will be cast in doubt. This Court should grant review so that the legislative policy determination in Iowa and the other 49 states that land use should be regulated in such a manner as to preserve threatened agricultural farmland is not overturned by an erroneous interpretation of federal constitutional principles.

Additionally, the Kossuth County Board of Supervisors argues that its actions in this matter have been in accordance with law.

CONCLUSION

For the foregoing reasons, as well as those stated in the petition, this Court should grant the petition.

Respectfully submitted,

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